

Message Text

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E.O. 11652: N/A

TAGS: PK, PKGOV, PINT

SUBJECT: PAKISTAN'S NEW ELECTION LAW

1. AGAINST A BACKGROUND OF PUBLIC SPEECHES BY PPP LEADERS COMMITTING THE GOP TO "FAIR ELECTIONS" "ON TIME" THE SENATE ON DECEMBER 28 GAVE NEARLY UNANIMOUS FINAL LEGISLATIVE APPROVAL TO THE REPRESENTATION OF THE PEOPLE BILL AS AMENDED BY A SELECT COMMITTEE OF PPP AND OPPOSITION LEGISLATORS BEFORE THE NATIONAL ASSEMBLY PASSED IT EARLIER IN DECEMBER. THE NEW ACT -- EXECUTIVE SIGNING WILL BE A MERE FORMALITY -- PRESCRIBES PROCEDURES AND TIME TABLES FOR PAKISTAN'S FORTHCOMING GENERAL ELECTIONS, CREATES A FRAMEWORK OF CONDUCT FOR CANDIDATES AND ELECTION OFFICIALS, AND PROVIDES SAFEGUARDS TO INSURE THE INTEGRITY OF BALLOTING. THE ANNOUNCEMENT ON JANUARY 2 BY THE ELECTION COMMISSIONER THAT ALL THE ELECTION CONSTITUENCIES ARE NOW DELIMITED AND THAT THE ENTIRE ELCTION MACHINERY IS GEARED FOR ACTION AT ANY TIME -- IN THE CONTEXT OF THE PROMULGATION OF THE ELECTION LAW -- MAKE AN ANNOUNCEMENT OF A DEFINITE ELECTION DATE A DISTINCT LIMITED OFFICIAL USE

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POSSIBILITY WITHIN THE NEAR FUTURE, POSSIBLY SOON AFTER THE NATIONAL ASSEMBLY CONVENES AGAIN ON JANUARY 7.

2. PAKISTAN'S NEW ELECTION LAW ESTABLISHES A PROCEDURAL TIME TABLE THAT SETS MINIMUM TIME PERIODS FOR EACH STEP OF THE ELECTION PROCESS. WITHIN TWO DAYS OF THE DISSOLUTION OF AN ASSEMBLY THE ELECTION COMMISSION MUST PUBLISH

NOTIFICATION IN THE OFFICIAL GAZETTE THAT AN ELECTION WILL BE HELD. THE NOTICE MUST SPECIFY A DEADLINE AT LEAST SIX DAYS AFTER THE PUBLICATION OF THE NOTICE, FOR NOMINATION OF CANDIDATES; THE DAY (AT LEAST ONE DAY AFTER NOMINATION DAY) FOR EXAMINATION OF NOMINATION PAPERS; THE DEADLINE (AT LEAST NINE DAYS AFTER NOMINATION DAY) FOR WITHDRAWAL OF CANDIDATURE; AND THE DAY (AT LEAST FORTY-TWO DAYS AFTER NOMINATION DAY) THAT VOTES WILL BE CAST. HENCE THE MINIMUM AMOUNT OF TIME BETWEEN DISSOLUTION OF AN ASSEMBLY AND ELECTION DAY IS SEVEN WEEKS; THE GOP TERMS THIS A SUFFICIENT PERIOD OF ELECTIONEERING.

3. OTHER CLAUSES OF THE LENGTHY LAW EXCLUDE CERTAIN CLASSES OF PERSONS FROM HOLDING OFFICE, LIMIT CAMPAIGN EXPENSES, ETC. POST WILL SUMMARIZE THESE BY SEPARATE AIRGRAM.

4. COMMENT: THE ELECTION LAW ATTRIBUTES RESPONSIBILITY FOR THE CONDUCT OF ELECTION DETAILS TO THE ELECTION COMMISSION. THE LAW, IF PROPERLY ENFORCED BY THE EXECUTIVE AUTHORITIES ON WHOM THE COMMISSION MUST DEPEND WILL GUARANTEE HONEST POLLING. THE BIPARTISAN BILL AROSE THROUGH THE EFFORTS OF A SELECT COMMITTEE OF PPP AND OPPOSITION LEGISLATORS WHOM THE GOP INVITED TO DRAFT A LAW REGULATING ELECTION MACHINERY. THOUGH THE BILL DID NOT HAVE BIPARTISAN SPONSORSHIP IN THE LEGISLATURE, THE PPP MADE A CONCERTED AND UNUSUAL EFFORT TO MEET OPPOSITION CONCERNS WHEN THE BILL WAS CONSIDERED. THE BILL PASSED BOTH HOUSES BY A WIDE MAJORITY THAT INCLUDED BOTH PPP AND OPPOSITION MEMBERS; A LIMITED OFFICIAL USE

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FEW DIEHARD MEMBERS VOICED SUSPICIONS, BUT DESPITE AMPLE TIME GIVEN FOR CRITICISM DURING THE DEBATE OVER THE MEASURE, VERY FEW SERIOUS OBJECTIONS AROSE. THE LAW ITSELF GIVES A SOUND LEGISLATIVE AND LEGAL BASIS FOR HOLDING CLEAN ELECTIONS. THE ACT HAS FEW CLAUSES THAT REGULATE THE CONDUCT OF CAMPAIGNING, THE PPP THEREFORE FACES FEWER LEGISLATIVE CONTROLS AND RESTRICTIONS ON HOW IT CAMPAIGNS THAN IT DOES ON HOW THE ELECTION ITSELF WILL BE CONDUCTED. IN FINAL ANALYSIS HOW DEMOCRATIC BOTH CAMPAIGN AND ELECTION WILL BE DEPENDS OBVIOUSLY ON POLITICAL DECISIONS OF PPP GOVERNMENT RATHER THAN LEGISLATIVE ACTS ON CONDUCT OF ELECTION.

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